

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: :  
KAYLA JOHN : CHAPTER 13  
Debtor. :  
\*\*\*\*\*  
M&T BANK :  
: :  
Movant, :  
: :  
vs. :  
KAYLA JOHN : CASE NO. 5-17-00210  
Respondents. :

\*\*\*\*\*  
**DEBTOR'S ANSWER TO MOTION FOR RELIEF FROM**  
**AUTOMATIC STAY UNDER SECTION 362**  
\*\*\*\*\*

AND NOW COMES, Kayla John, the Debtor, and files an Answer to M&T Bank's Motion  
for Relief From the Automatic Stay:

1. Kayla John (hereinafter the "Debtor") filed a Chapter 13 bankruptcy proceeding with the U.S. Bankruptcy Court for the Middle District of Pennsylvania.
2. Movant alleges that Debtor has failed to make post-petition mortgage payments.
3. Debtor was out of work which resulted in the missed mortgage payments. Debtor is now back to work and is in a position to resume making the mortgage payments. Debtor request that the arrears be placed in an amended Chapter 13 Plan.
4. Movant is not entitled to relief from the automatic stay as the arrearage amount due has been paid or shall be paid through the Chapter 13 Plan, and/or a six (6) month Stipulation, and, therefore, the Movant is adequately protected.

WHEREFORE, the Debtor respectfully requests that Movant's Motion for Relief from the Automatic Stay be denied.

Respectfully submitted,

Date: September 26, 2017

/s/Tullio DeLuca  
Tullio DeLuca, Esquire  
PA ID# 59887  
381 N. 9<sup>th</sup> Avenue  
Scranton, PA 18504  
(570) 347-7764

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: :  
KAYLA JOHN : CHAPTER 13  
Debtor. :  
\*\*\*\*\*  
M&T BANK :  
: :  
Movant, :  
: :  
vs. :  
KAYLA JOHN : CASE NO. 5-17-00210  
Respondents. :

\*\*\*\*\*  
**CERTIFICATE OF SERVICE**  
\*\*\*\*\*

The undersigned hereby certifies that on September 26, 2017, he caused a true and correct copy of Debtor's Answer to M&T Bank's Motion for Relief from the Automatic Stay to be served Via First Class United States Mail, Postage Pre-paid in the above-referenced case, on the following:

Charles J. DeHart, III, Esq. at [dehartstaff@ramapo.com](mailto:dehartstaff@ramapo.com)

James Warmbrodt, Esq. at [Jwarmbrodt@kmlawgroup.com](mailto:Jwarmbrodt@kmlawgroup.com)

Dated: September 26, 2017

/s/Tullio DeLuca  
Tullio DeLuca, Esquire